

Committee on Resources

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Statement of Representative Tom Udall (NM)

Resources Committee Oversight Field Hearing on

"Silvery Minnows Impact on New Mexico"

Belen, New Mexico

September 6, 2003

For several weeks now, there has been an ongoing collaborative process of negotiations occurring here in New Mexico regarding the current water situation in the Rio Grande Basin. Several of the same groups that are named or interested parties in the recent Tenth Circuit opinion have been actively engaged in these negotiations. We are at a delicate point in these negotiations and we should all hope a local settlement can be achieved.

Future water decisions for New Mexico require that collaboration continue at the local level so that we can address and resolve the core issues that affect the Rio Grande. Sustainability of the river and our water supply depends upon local involvement and solutions, rather than intrusive intervention by the federal government.

As we all know, the Tenth Circuit Court of Appeals upheld the Federal District Court's opinion determining that the Bureau of Reclamation "has the discretion to reduce deliveries of water...to comply with the Endangered Species Act." This affirmation rekindled the passionate debate about how we use our water resources, about the sustainability of our current water practices, and whether we are using our water wisely.

This is a very difficult situation for everyone involved. Some have painted the situation as a crisis, as a people versus fish issue. Others state that this "crisis" should be taken as an indication that it is time to recognize the bottomline of the matter: water is a scarce commodity in New Mexico and should be treated accordingly.

Our water resources are over-allocated, and population growth is stretching these precious supplies to the limits. This situation is compounded by a water infrastructure that is inefficient, outdated, and insufficient to meet our current needs. We can no longer overlook the importance of water use and conservation plans.

In an effort to find a common-sense approach to sustainable water management in New Mexico and the west, I engaged in extensive discussions with the major stakeholders in the San Juan/Chama water dispute, and shared my concerns directly with United States Department of Interior Secretary Gale Norton, the person ultimately responsible for enforcing the 10th Circuit ruling.

As a result of these conversations, I introduced The Middle Rio Grande Emergency Water Supply Stabilization Act of 2003, a bill that will address our outmoded water principles and practices and help ensure sustainable water management and conservation in New Mexico.

My bill addresses the core, crucial issues that underlie New Mexico's water problems. First, my bill authorizes the Secretary of the Interior to contribute to a long-term solution for the Middle Rio Grande River in the State of New Mexico by preventing, reducing, or eliminating wasteful depletion of waters. This would entail the establishment of a water supply stabilization program at the local level. Under this program, the Secretary would provide financial and technical assistance to promote and encourage the adoption and implementation of water conservation measures within the Rio Grande Basin in New Mexico.

To accomplish this, the Secretary would enter into cost sharing and other agreements with the State and other entities including organizations, municipalities, Indian Tribes and Pueblos, and individuals, who use agricultural or municipal and industrial water from the Rio Grande River and its tributaries in New Mexico,

including water supplied directly or indirectly from the Middle Rio Grande Project or the San Juan-Chama Project. These collaborative agreements will result in localized decisions regarding sustainable water management along the Rio Grande.

Second, the bill encourages the implementation of water conservation measures that will improve water quantity and water quality conditions needed to support a sustainable, living river environment within the Middle Rio Grande Basin, and will result in conservation, recreation, and other public benefits.

Third, the bill sets a goal to achieve, within three years of the date of enactment of this legislation, quantifiable improvements in irrigation efficiencies through the incorporation of measures such as lining canals and ditches, and the use of low-flow or drip irrigation systems and other modern hydrological technologies.

Fourth, the bill directs the Secretary to cooperate with the State of New Mexico, water use organizations, and affected landowners to develop and implement a comprehensive program to identify, remove, and control salt cedar vegetation in the flood plain of the Rio Grande River and its tributaries, and to replant and re-establish native vegetation if appropriate.

Fifth, the bill authorizes grants for basic research on technological solutions for accessing new sources of water including, but not limited to, desalinization, and the purification of brackish and other types of unpalatable water. Furthermore, the bill authorizes grants for basic research to increase water efficiency. For example, Los Alamos National Labs, located in my district, is working to improve technology so that less water will be required in manufacturing computer microchips. And, the bill authorizes funds to conduct studies to quantify the water needs, requirements and rights of tribes and pueblos in the Middle Rio Grande Basin.

Finally, the bill confirms the original intentions of Congress as set forth in the Colorado River Storage Project Act of 1956, and the San Juan-Chama Project Act 1962. These Acts set forth the principle purposes underlying the furnishing of federal water supplies in New Mexico, including water for municipal, domestic, and industrial uses, and for the conservation of, and I quote from the original authorizing legislation, "the scenery, the natural, historic, and archeologic objects, and the wildlife" on lands affected by the project, and "to mitigate losses of, and improve conditions for, the propagation of fish and wildlife."

We are in the midst of a very serious drought, and in New Mexico and across the west. Our water resources are over-allocated, and an exploding growth in population is stretching these resources to the limits. This situation is compounded by a water infrastructure that is inefficient, outdated, and insufficient to meet our current needs.

My bill deals with these realities and many other crucial issues. It sets up incentives to conserve our water resources and develop collaborative solutions at the local level. It restores and protects the Rio Grande River and the surrounding Bosque, and encourages technological solutions for new sources of water and methods to harness such technology to increase water efficiency.

Considering the above, if we do not focus collaboratively and make every effort possible to conserve our water, I believe that New Mexico, and similarly situated western states, will continue to confront similar, if not worse, water scarcity problems indefinitely. We need greater and more conscientious efforts on the part of water users to conserve this precious commodity. And, these users must become more accountable for water waste. My bill provides the incentives to conserve our water resources to ensure that all New Mexicans will have water to use in the future.

We need to act now to ensure sustainable water management and conservation in New Mexico. We need greater and more conscientious efforts on the part of water users to conserve this commodity. The health and sustainability of the Rio Grande depends on the collaborative efforts of us all, concentrated not at the federal level but here at home, where the effects of our water dilemma is felt the greatest.